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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.12.2021

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL.O.P.No.25938 of 2021

Marimuthu

...Petitioner

Versus

State Rep by
The Inspector of Police
Kolathur Police Station,
Salem District.
(Crime No.451 of 2021)

...Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of the arrest in Crime No.451 of 2021 on the file of the respondent or his appearance before the concerned Court to release him on bail pending investigation on the file of the respondent police.

For Petitioner : M/S.C.Deepak Kumar

For Respondent : Mr.L.A.J.Selvam,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under section 4(1)(a) & 4(1-A) of Tamil Nadu Prohibition Act in Crime No.451 of 2021 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is arrayed as A1 in this case. According to prosecution, this petitioner is alleged to have in possession of 10 liters of I.D. Arrack illegally. Hence, the present complaint.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. However, in order to show his bona fide, he is ready and willing to pay a sum of Rs.5,000/- to any public organization. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) submits that the petitioner/A1 is said to have in possession of 10 liters of I.D. Arrack illegally. He submits that there are no previous cases pending against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the submissions made by the learned Government Advocate and the undertaking of the petitioner that he is willing to pay a sum of Rs.5,000/- to the public organization, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall pay a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of Government Yoga and Naturopathy Medical College and Hospital, Arignar Anna Government Hospital of Indian Medicine Campus, Arumbakkam, Near Anna Arch, Chennai - 600 106, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.I, Mettur.

6. On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Mettur, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall appear before the respondent police as and when required for interrogation.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
29/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, METTUR, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM DISTRICT.

5 THE GOVERNMENT YOGA AND
NATUROPATHY MEDICAL COLLEGE AND HOSPITAL
ARIGNAR ANNA, GOVERNMENT HOSPITAL OF INDIAN
MEDICINE CAMPUS,
ARUMBAKKAM, NEAR ANNA ARCH CHENNAI-600 106.

+1 CC to M/S.C.DEEPAK KUMAR Advocate on payment of necessary
charges SR.NO.15704

CRL OP.25938/2021

Date :29/12/2021

TA-30/12/2021